

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

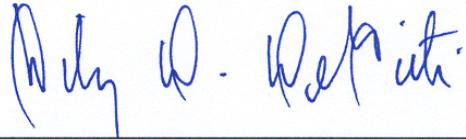
APACHE TRIBE OF OKLAHOMA, )  
                                  )  
Plaintiff,                  )  
                                  )  
v.                             )              Case No. CIV-10-646-D  
                                  )  
BETSY ANN BROWN, *et al.*, )  
                                  )  
Defendants.                 )

**ORDER**

Before the Court are the following motions: Defendant Foshee & Yaffe Law Firm's Motion to Dismiss [Doc. No. 104]; Defendants Betsy Ann Brown and Law Offices of Brown & Cullimore's Motion to Dismiss [Doc. No. 105]; and Defendant John H. Graves' Motion to Dismiss [Doc. No. 106]. All challenge the sufficiency of the original Complaint. However, on June 7, 2012, Plaintiff timely filed its Amended Complaint [Doc. No. 108].<sup>1</sup> This amendment supersedes Plaintiff's original pleading and renders it of no legal effect. *See Davis v. TXO Prod. Corp.* 929 F.2d 1515, 1517 (10th Cir. 1991); *see also Miller v. Glanz*, 948 F.2d 1562, 1565 (10th Cir. 1991).

IT IS THEREFORE ORDERED that Defendants' Motions [Doc. Nos. 104, 105 & 106] are DENIED as moot without prejudice to resubmission, if appropriate, in response to the Amended Complaint.

IT IS SO ORDERED this 8<sup>th</sup> day of June, 2012.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> A plaintiff may amend as a matter of right within 21 days after service of a Rule 12(b) motion.